

Plumbing Board
Meeting Minutes
October 16, 2012 – 9:30 a.m.

Members Present

Chad Filek
Grant Edwards
Jim Kiittelson
Phillip Sterner
Jim Lungstrom
John Flagg
John Parizek
Joseph Beckel
Mike McGowan
Pete Moulton
Rebecca Ames
Ron Thompson

Members Absent

Gale Mount
Larry Justin

DLI Staff

Carey Demaris
Cathy Tran
Pat Munkel-Olson

Visitors

Brian Noma
Brian Soderholm
Carl Crimmins

Visitors continued

Cliff Gibb
David Skallet
Fernando Nacionales
Gary Ford
Jeff Nielsen
Jim Lillianette
Joel Dahlgren
Laura Millberg
Luke Westman
Phil Raines
Phillip Sterner
Tim Power

I. Call to Order

This meeting was called to order by Chair Parizek at 9:34 a.m. Introductions and housekeeping announcements were made. Attendance was taken a quorum was met.

II. Approval of Meeting Agenda

Chair Parizek noted that a closed session with Board and Council will be added to the agenda at 9:45 a.m. **McGowan a motion to approve today's agenda as revised, seconded by Edwards. The vote was unanimous, the motion carried.**

III. Approval of Previous Meeting Minutes

Munkel-Olson noted a member Thompson was omitted from the attendance. It was verified that he did in fact attend. The minutes are corrected. **Moulton made a motion to approve the minutes as corrected, seconded by Edwards. The vote was unanimous, the motion carried.**

IV. Regular business

Approval of Expense Reports – Chair approved the expenses as presented.

A closed session was held of members and counsel. All visitors vacated at 9:45 a.m. and the meeting resumed at 10:10 a.m.

V. Special Business

- A. *Request for Interpretation PB0068 – Oil and Flammable Liquids Separator Installation Requirements.* Representatives from UFC Grain Systems, Jeff Nielsen, General Manager, Joel Dahlgren, General Counsel, and Cliff Gibb, Project Manager addressed the board. Photographs of the truck scale building in question were handed out.

Parizek read 4715.1120 OIL AND FLAMMABLE LIQUIDS SEPARATOR. *Enclosed garages of over 1,000 square feet or housing more than four motor vehicles, repair garages, gasoline stations with grease racks, work or wash racks, auto washes, and all buildings where oily and/or flammable liquid wastes are produced shall*

have a separator installed into which all oil, grease, and sand bearing and/or flammable wastes shall be discharged before emptying into the building drainage system or other point of disposal, when floor drains or trench drains are provided.

Munkel-Olson suggested that the board break down specific questions in detail. Parizek, Board members, and the UFC Grain System Reps thoroughly reviewed and discussed specific questions relating to building space, garage or not, oily and/or flammable liquid waste produced. It was determined that flammable gas is not produced, it isn't a garage and a drain isn't mandatory.

Chair Parizek asked members specifically; 1) Is this a garage, 2) are there more than four vehicles being stored, 3) Is this building a repair garage, and 4) Is this building where oily and/or flammable liquid wastes are produced? The majority of the Board believes the following; 1) No, it is not a garage, 2) there are not more than four vehicles being stored, 3) it is not a repair garage and 4) This is not a building where oily and/or flammable liquid waste are produced. Parizek concluded that the Board believes that a flammable liquid separator IS NOT REQUIRED in this installation.

A vote on this conclusion – Does the Board feel that a flammable liquid separator is required in this installation? The majority voted that the Board DOES NOT feel that this is required in this installation.

Parizek suggested that UFC Grain Systems contact the MPCA to verify they meet all of their requirements. Mr. Neilson agreed to contact MPCA, thanked the Board for their consideration and time.

VI. Committee Reports

- *Executive Committee* – Chair Parizek advised that the committee met this morning. They discussed the rulemaking status and notification status which will be discussed in today's meeting.
- *Product and Code Review Committee* – Parizek stated 2 RFAs are being reviewed. The first is on installing PVC storm drainage and the second is related to piping dealing with hangers and support be modeled after the national code. A letter will be sent out to the requester(s).
- *Code Interpretation Committee* – The topic of the last meeting was the Request for Interpretation PB0068 – Oil and Flammable Liquids Separator Installation Requirements.
- *Construction Codes Advisory Council* – Kittelson stated the council will meet this Friday, October 19th to discuss the code model language.
- *National Code Review Committee* – Lungstrom stated the last meeting was held on October 2, 2012 where they reviewed a list of potential draft amendments to the UPC.
- *DLI Reports* – Nothing to report at this time.

VII. Special Business

- B. Rulemaking Updates – Parizek stated amendments to 4715 will take effect on October 31, 2012. The licensing and registration amendments in 4716 will be effective as of November 27th.
 - i. Backflow Tester/Rebuilder – there are expedited rule in process. Munkel-Olson distributed an email with comments regarding the RPZ expedited rulemaking. These comments have concerns with when this will take affect for those that obtain the certification after January 1, 2012. Those

that would have this backflow certification for years are going to be grandfathered in. The language reads when these individuals need to renew that certification after 1/1/15 they will have to have proof of certification through ASSE. That they are 5110 Backflow Tester and if they are rebuilding they would also have to have 5130 ASSE Backflow Rebuilder. Parizek reviewed the language.

Tim Powers with MN Nursery Landscape Association addressed the board with comments on the proposed rules regulating reduced pressure zone (RPZ) backflow prevention device rebuilder and tester certifications, MN rules 4716.

There was discussion on the ASSE certification deadlines.

The meeting took a lunch break at 12:15 p.m. and resumed at 1:30 p.m.

Parizek recapped that the comments regarding obtaining ASSE certifications deadline as of January 1, 2012. To accommodate the certification process the Board decided to change the date to January 1, 2013 allowing for ample time.

Munkel-Olson handed out the comments from the Minnesota Nursery & Landscape Association. There was great discussion on the issue of being grandfathered, the two certifications, the five year experience requirement, train the trainer, and the date change to 1/1/13. Munkel-Olson stated if the board modifies the date an ALJ is unlikely to conclude that it is a substantial change in referring to line 2.9 and 2.24 changing dates from January 1, 2012 to January 1, 2013.

A motion made by Kittelson seconded by Filek to change the January 1, 2012 date to January 1, 2013 in two places in 4716.0097 subp 2, Exception, line 2.9 and line 2.24. The vote was unanimous, motion carried.

1. Continuing education – Parizek gave an update on the publishing request for comments process for the backflow prevention tester rebuilder stating there is no immediate rush to publish. Munkel-Olson stated this has not been published as of now but will be in the near future. Parizek confirmed with the department (Durenberger) that notices for the master licenses and backflow tester rebuilders were sent out for renewal and they are encouraged to do so online. Journeyman will be notified next year.
- C. National Code Review Committee Recommendation - Lungstrom reviewed that at the April 19, 2011 meeting the board voted 9 to 1 directing the National Code Review Committee to review and develop potential amendments to the UPC and report back to the Board, with the intent of proposing the amendments in a future rulemaking. Since that time, the committee has had several meetings reviewing and comparing chapters. To date, most of the work has been complete. The last meeting, October 2, 2012 a decision was made to adopt the UPC with MN amendments and the committee recommends the board to move forward with the rulemaking process and publish a request for comment officially opening up the rulemaking process. Munkel-Olson reviewed the process and timeframes. There was great discussion on this process.

The Board authorizes the publication of request for comments for possible rulemaking for the proposed adoption of the 2012 Uniform Plumbing Code through an incorporation by reference with Minnesota amendments. The board authorizes Chair Parizek to work with the Department on the publication for the request for comments. The motion was made by Edwards, seconded by Flagg. The vote was unanimous, the motion carried.

A motion made by McGowan to close the request for comments by Friday, February 1, 2013, second by Moulton. Munkel-Olson reviewed the timeline of the rulemaking process. There was discussion on the timeframe and mentioned that the committee will work on the language before bringing it to the board. A friendly amendment to the motion made by Sterner to close the request for comments by March 4, 2013, accepted by McGowan. The vote was unanimous, motion carried.

VIII. Complaints –none brought forth

IX. Open Forum – none brought forth

X. Board Discussion

Moulton asked for update on the cross connection on MPH. Tran stated that Jim Peterson (DLI) is not in attendance today but has been working with Karla Peterson at MPH. Lungstrom stated they have conducted interviews and the position will be filled. Moulton is looking for the definition of the scope of work. Lungstrom stated the position description was created by MPH.

XI. Announcements

Next Regularly Scheduled Meetings

- January 15, 2013 – 9:30 a.m. – Minnesota Room, DLI
- April 16, 2013 – 9:30 a.m. – Minnesota Room, DLI

XII. Adjournment

The meeting adjourned at 3:30 p.m.

Respectfully Submitted,

Mike McGowan

Mike McGowan
Secretary